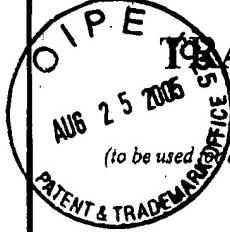


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DAC
JW

 TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/791,439
		Filing Date	March 2, 2004
		First Named Inventor	Ori Eisen
		Art Unit	3621
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	18	Attorney Docket Number	31718-701.201

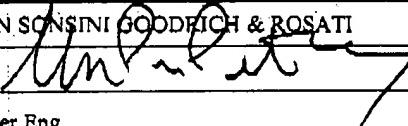
ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	13-page chart (Figure 1)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

A fee of \$130.00 as required by 37 C.F.R. 1.17 (h) and a fee of \$400.00 to expedite the petition are authorized to be charged to Deposit Account No. 23-2415.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	WILSON SONSINI GOODRICH & ROSATI		
Signature			
Printed Name	U.P. Peter Eng		
Date	August 25, 2005	Reg. No.	39,666

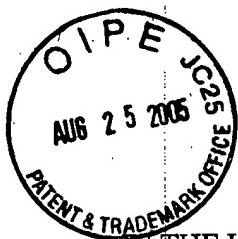
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Sunny Downs	Date	August 25, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT
DOCKET NO.: 31718-701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
 Applicant(s): Ori Eisen) Art Unit: 3621
)
 Serial No.: 10/791,439) Examiner: Not Yet Assigned
)
 Filed: March 2, 2004) Confirmation No.: 3435
)
 Title: METHOD AND SYSTEM FOR)
 IDENTIFYING USERS AND)
 DETECTING FRAUD BY USE OF)
 THE INTERNET)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

(EXPEDITED) PETITION TO EXPUNGE PART OF ORIGINAL DISCLOSURE
(37 C.F.R. § 1.183)

Sir:

Applicant hereby petitions to suspend the rules under 37 C.F.R. § 1.183 in order to expunge a chart containing personal information (the "Chart") from the disclosure originally filed in this application. This petition requires a waiver of the requirements of 37 C.F.R. § 1.59(a). Expedited consideration of this petition is respectfully requested.

The Chart in the instant patent application contains personal information that was filed as part of the original disclosure on March 2, 2004. Applicant respectfully requests that the present petition be granted, and hereby submits a substitute sheet entitled "Figure 1" to replace the Chart in the event the substitute sheet can be immediately entered into the record following consideration of this petition. In the alternative, Applicant requests permission to submit the substitute sheet later during prosecution for consideration by the responsible Examiner. Applicant further requests that the originally filed Chart be made not available to the public and non-viewable on the Public Patent Application and Information Retrieval (PAIR) access site.

Other remedial actions that may become necessary to prevent public disclosure of the Chart and its contents is also respectfully requested.

The basis for this petition under 37 C.F.R. § 1.183 and why justice requires suspension of the rules (37 C.F.R. § 1.59(a)) in this extraordinary situation are provided below.

REMARKS

The instant patent application entitled "Methods and Systems for Identifying Users and Detecting Fraud by Use of the Internet" was filed on March 2, 2004. Due to a miscommunication between the applicant inventor Ori Eisen and his attorney, this submission included a Chart containing personal information and partial excerpts of non-fictitious information for non-fictitious persons. The Chart unfortunately contains real names of people, their respective e-mail addresses, and partially redacted credit card numbers.

There is nothing in the record that supports the need for the kinds of private information included in the originally filed Chart. The instant patent application is related generally to electronic commerce (e-commerce) transactions and solutions for identifying computers, particularly those associated with fraudulent online transactions. In order to explain concepts of the invention provided herein, it was intended for the Chart to include information about fictional online users including phony names, e-mail address, credit card information. Whether the underlying information in the Chart is fictitious or not adds no real value for purposes of describing and explaining the concepts of the invention in the instant application. Meanwhile, the magnitude of possible harm in the event the originally filed Chart were to be published is significant. This was an inadvertent error committed during the filing of the instant patent application and the Chart must be expunged from the record in the interests of justice.

Below are facts that are believed to be relevant to this petition:

1. The instant patent application (Patent Application Serial No. 10/791,439) was filed on March 2, 2004.
2. The patent application as filed contained fourteen (14) pages including claims, and also an additional enclosure identified as "Chart" in the application transmittal.

3. The application transmittal further included a Request for Non-Publication pursuant to 35 U.S.C. 222(b)(2) and was not the subject of an application filed in another country requiring publication of the application 18 months after filing of the application.
4. The originally filed Chart consists of forty-two (42) pages contains numerous dates, e-mail addresses, names and partially redacted credit card numbers.
5. The Chart appears to be a printout from an Excel document with improper pagination whereby columns run-off the letter sized spreadsheet configured with a portrait-style layout.
6. In the last paragraph on p. 5 of the patent application (five lines from the bottom of the page), the following reference is made to the Chart - "Referring to the chart, what is shown is a series of typical transactions on the Internet between a merchant and several customers."
7. Under the section entitled "Brief Description of the Chart," the following reference is made to the Chart - "The chart illustrates the versatility and accuracy of the present invention in weeding out possible fraudulent online transactions."

A review of the Chart and its contents clearly demonstrates that it was unintentionally submitted. The printout and format of the Chart further lends support to the conclusion that it was submitted by mistake in that the pagination error caused the Chart to nearly triple in length. Moreover, the transaction information provided in the Chart was provided to serve as exemplary transactions in which fraud could be detected in accordance with the invention. Applicant contends that none of the content provided in the Chart is necessary to describe and claim the invention as required under applicable patent statutes (Title 35 U.S.C.) and governing rules, nor is such information material to patentability or would otherwise be considered important by a reasonable examiner.

This error was only recently uncovered during the inspection of the file for this application by new counsel for Applicant. A Power of Attorney for new counsel was filed on June 20, 2005. Upon recent inspection of the record to confirm the inadvertent filing of the Chart, Applicant is diligently filing this petition to expunge. Furthermore, because Applicant requested non-publication of the patent application under 35 U.S.C. 222(b)(2), this application is not currently scheduled for publication. In the event a patent issues from this patent application, or if Applicant decides to withdraw the non-publication request, the interests of justice require

U.S. Serial No.: 10/791,439
Docket No.: 31718-701.201

that the Chart be expunged from the record. Because information forming part of the original disclosure may not be expunged as stated under 37 C.F.R. § 1.59(a) in general, Applicant hereby requests suspension of the rules pursuant to 37 C.F.R. § 1.183 in this instance.

Based upon these facts and inspection of the originally filed patent application, Applicant's petition should be granted. Applicant requests that the Chart be expunged from the original disclosure and that it not be published or otherwise disclosed to the public such as by inspection of the physical files or the PAIR access site. Favorable and prompt action on this expedited request is respectfully solicited in this extraordinary situation.

The Commissioner is hereby authorized to charge the fee of \$ 130.00 as required by 37 C.F.R. § 1.17(h), the fee of \$ 400.00 for expedited consideration of this petition, and any other additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.: 31718-701.201).

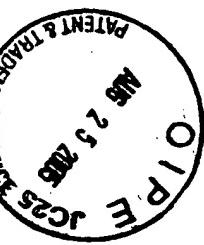
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 
U. P. Peter Eng
Registration No.: 39,666

Dated: August 25, 2005

650 Page Mill Road
Palo Alto, California 94304-1050
Telephone No.: (650) 493-9300
Facsimile No.: (650) 493-6811



四

四
一

תְּלִימָדָה - בְּרִיאָה

1

כט ב' ינואר 1931

ה

፲፻

ה-ג

卷之三

۱۵

四

C:\MP\Port\PAI\B1\ENG\2696389.DOC

三

四

卷一

卷之三

T
G

